

Appl. No. 10/070,328

Remarks

Reconsideration in light of the foregoing amendments and remarks which follow is respectfully requested.

Claims 1-11 and 16-20 and 22-27 are before the Examiner. Claim 21 has been cancelled and the subject matter included in claim 20 as amended. Claims 1, 6, 7, 16-17, 20, 26 and 27 have been amended to address points raised in the Office Action and to improve form.

Claims 20 and 21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The commentary appearing in the Office Action appears to be directed toward the breadth of the term "peptide". There is no discussion relative to the subject matter of claim 21. Claim 21 is directed to a composition containing the compound of claim 5 and a di- or tripeptide. This composition is taught in the passage identified by the Examiner.

There is an express teaching of the composition claimed and thereby support. Withdrawal of the rejection is respectfully requested.

Claims 20 and 21 are rejected under 35 U.S.C. 112, first paragraph, because the specification while being enabling for a composition comprising the compound of claim 5 and a pharmaceutically acceptable carrier, does not reasonably provide enablement of a composition having the characteristics of producing at least 20% oral bioavailability of the compound. Applicants respectfully traverse.

In the interests of expediting prosecution, claim 20 has been amended to specify the presence of a di- or tripeptide with the compound of claim 5. Express support for this

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composition is taught in the specification as filed. It is not seen how the inclusion of a known di-or tripeptide along with the compound of claim 5 involves undue experimentation.

Withdrawal of the rejection is respectfully requested.

Claims 1-11 and 16-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which applicant regards as the invention. Applicants respectfully traverse.

The claims have been amended to address the points raised in the Office Action and incorporate in large measure the suggestions of the Examiner.

In light of the amendments and the arguments made, the application is believed to be in a condition for allowance and a Notice to that effect is respectfully requested.

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If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Date: 3/20/2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Thomas G. Wiseman', written over a horizontal line.

Thomas G. Wiseman

Registration No. 35,046

VENABLE

P.O. Box 34385

Washington, D.C. 20043-9998

Telephone: (202) 962-4800

Telefax: (202) 962-8300

#733050v1